

**PATENT COOPERATION TREATY
PCT**

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 14 JUN 2005

WIPO

Applicant's or agent's file reference 15085FUS	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/AU2004/000948	International filing date (day/month/year) 14 July 2004	Priority date (day/month/year) 14 July 2003	
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A 63 B 069/00; G 07 C 001/22			
Applicant FUSION SPORT INTERNATIONAL PTY LTD et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☒ (sent to the applicant and to the International Bureau) a total of 17 sheets, as follows:
 - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input checked="" type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 14 February 2005	Date of completion of the report 6 June 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer AMOD PRADHAN Telephone No. (02) 6283 2510

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/000948

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3 and 23.1 (b))

☐ publication of the international application (under Rule 12.4)

☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☐ the international application as originally filed/furnished

☒ the description:

pages 1 – 2, & 9 – 33 as originally filed/furnished

pages* 3 – 8 received by this Authority on 20 April 2005 with the letter of 20 April 2005

pages* received by this Authority on with the letter of

☒ the claims:

pages as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* 34 – 44 received by this Authority on 20 April 2005 with the letter of 20 April 2005

pages* received by this Authority on with the letter of

☒ the drawings:

pages 1/9 – 9/9 as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:

- ☐ complied with.
- ☒ not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are different inventions as follows:

Claims 1 – 33 define a method and system of sports training and testing at least one athlete including a control unit adapted to implement a predetermined protocol, a plurality of remote units for providing a series of stimuli for said at least one athlete in accordance with the said protocol, at least one sensor unit for providing feedback information associated with said at least one athlete's response to the stimuli to said control unit and a communications network providing communications between the control unit and the plurality of remote units including said at least one sensor.

Claims 34 – 58 define a competitive sporting activity and a method of undertaking physical activity for exercise or competitive purposes including a playing area, said area being defined by a plurality of remote units, said remote units providing a set of stimuli, a plurality of athletes wherein each of the plurality of athletes is assigned the role of either a defensive or an offensive player, a game object for propulsion by the offensive players, randomly generating a stimuli at a selected remote unit within the playing area assigned to the offensive players, to which the offensive players must move the game object, said defensive players then being required to react to movements of said offensive players in order to prevent said game object reaching the selected remote unit.

These groups are not so linked as to form a single general inventive concept, that is, they do not have any common inventive features, which define a contribution over the prior art. The common concept linking together these groups of claims is 'plurality of remote units for providing a series of stimuli'. However this concept is not novel in the light of EP 0213533 & WO 1988/05323. Therefore these claims lack unity a posteriori.

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/000948

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1 – 58	YES
	Claims	NO
Inventive Step (IS)	Claims 1 – 58	YES
	Claims	NO
Industrial Applicability (IA)	Claims 1 – 58	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

NOVELTY (N); INVENTIVE STEP (IS) & INDUSTRIAL APPLICABILITY (IA)

Claims 1 – 58

Claims 1 – 33 (amended) define a method and system of sports training and testing at least one athlete including a control unit adapted to implement a predetermined protocol (protocol comprises layout information for the location of plurality of remote units and at least one sensor and route or game plan information for said at least one athlete relative to the plurality of remote units), at least one sensor unit for providing feedback information associated with said at least one athlete's response to the stimuli to said control unit and a communications network providing communications between the control unit and the plurality of remote units including said at least one sensor, and further characterised in automatically/dynamically modifying the stimuli in response to athlete reactions.

The closest prior art found was:

- WO 1988/005323
- WO 2001/064099
- WO 1992/021106
- EP 0562196

However, none of the cited prior art documents disclose the precise combination of features of this set of claims. Therefore, the invention defined in these claims is considered to be novel and inventive over the cited prior art.

Claims 34 – 58 define a competitive sporting activity and a method of undertaking physical activity for exercise or competitive purposes including a playing area, said area being defined by a plurality of remote units, said remote units providing a set of stimuli, a plurality of athletes wherein each of the plurality of athletes is assigned the role of either a defensive or an offensive player, a game object for propulsion by the offensive players, randomly generating a stimuli at a selected remote unit within the playing area assigned to the offensive players, to which the offensive players must move the game object, said defensive players then being required to react to movements of said offensive players in order to prevent said game object reaching the selected remote unit.

The closest prior art found was:

- WO 1988/005323
- EP 0213533
- RU 2201783

However, none of these documents disclose a competitive sporting activity wherein players are assigned offensive/defensive roles and evaluated against a set of random stimuli. Therefore, the invention defined in these claims is considered to be novel and inventive over the cited prior art.